

REMARKS

Claims 1-14 are pending in the present application.

The Examiner has required election in the present application between:

Group I, claims 1-6, 8, 10 (in part), and 11-14, drawn to an anti-gp120 antibody, compositions of such antibodies-including kits, cells capable of producing the same, and methods to produce such cells and antibodies; and

Group II, claims 7, 9, and 10 (in part), drawn to a high affinity antibody-producing cell derived from a GANP transgenic mammal.

For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claims 1-6, 8, 10 (in part) and 11-14.

The Applicants respectfully traverse the requirement for the following reasons. The Examiner asserts that the inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1. Applicants submit, however, that the Examiner has not properly construed or applied the unity of invention standards applicable under PCT Rule 13.2.

Under PCT Rule 13.2, the application fulfills the unity of invention requirement when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" refers to those technical features that define a contribution, which each of the claimed inventions, considered as a whole, makes over the prior art. In the present application, the "technical relationship" or "special technical feature" involved with both groups is a high affinity antibody that binds to HIV gp120 glycoprotein. As described in the instant application, such high affinity antibodies are defined, *e.g.*, as those having the dissociation constant as described in independent claim 1, or those, which are collectable from a GANP transgenic non-human animal as described in independent claims 7 and 9, *see, e.g.*, page 2, lines 14-20, in the originally filed application.

In addition, the importance of this feature is described, for example, on page 2, lines 5-6, and 10-14 in the specification as originally filed. The Examiner has not even attempted to explain why a high affinity antibody that binds to HIV gp120 glycoprotein is not a “special technical feature” sufficient to provide unity of invention to both groups of claims. As such, Applicants submit that the Examiner has not explained a proper basis for objecting to unity of invention.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Linda T. Parker, Registration No 46,046, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Application No.: 10/582,861

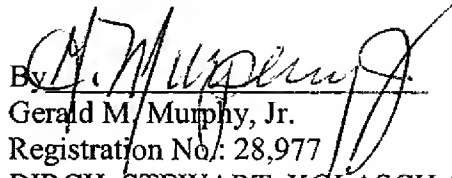
Docket No.: 4456-0109PUS1

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated:

NOV 17 2008

Respectfully submitted,

By 
Gerald M. Murphy, Jr.
Registration No.: 28,977

BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant